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15 *Attorneys for Defendants Panasonic Corporation, Panasonic Corporation of North America, and*
 16 *MT Picture Display Co., Ltd.*

17 **IN THE UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

19 **In re CATHODE RAY TUBE (CRT)**
ANTITRUST LITIGATION

20 This Document Relates to:

21 ALL INDIRECT-PURCHASER ACTIONS

22 *Electrograph Sys., Inc., et al. v. Hitachi, Ltd., et*
 23 *al., No. 11-cv-01656;*

24 *Electrograph Sys., Inc., et al. v. Technicolor SA,*
et al., No. 13-cv-05724;

25 *Siegel v. Hitachi, Ltd., et al., No. 11-cv-05502;*

26 *Siegel v. Technicolor SA, et al., No. 13-cv-*
 27 *05261;*

28 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*

) MDL No. 1917
) Master No. 3:07-cv-05944-SC

) **DECLARATION OF DAVID E.**
) **YOLKUT IN SUPPORT OF THE**
) **PANASONIC DEFENDANTS'**
) **ADMINISTRATIVE MOTION TO FILE**
) **UNDER SEAL DEFENDANTS' JOINT**
) **NOTICE OF MOTION AND MOTION**
) **FOR PARTIAL SUMMARY**
) **JUDGMENT AGAINST INDIRECT**
) **PURCHASER PLAINTIFFS AND**
) **CERTAIN DIRECT ACTION**
) **PLAINTIFFS FOR LACK OF**
) **ANTITRUST INJURY AND**
) **ANTITRUST STANDING UNDER**
) **FEDERAL AND CERTAIN STATE**
) **LAWS**

1 No. 11-cv-05513;)
 2 *Best Buy Co., Inc., et al. v. Technicolor SA, et*)
 3 *al.*, No. 13-cv-05264;)
 4 *Target Corp. v. Chunghwa Picture Tubes, Ltd.,*)
 5 *et al.*, No. 11-cv-05514;)
 6 *Target Corp. v. Technicolor SA, et al.*, No. 13-)
 7 *cv-05686;*)
 8 *Sears, Roebuck & Co., et al. v. Chunghwa*)
 9 *Picture Tubes, Ltd., et al.*, No. 11-cv-05514;)
 10 *Sears, Roebuck & Co., et al. v. Technicolor SA,*)
 11 *et al.*, No. 13-cv-05262;)
 12 *Interbond Corp. of Am. v. Hitachi, Ltd., et al.*,)
 13 *No. 11-cv-06275;*)
 14 *Interbond Corp. of Am. v. Technicolor SA, et al.*,)
 15 *No. 13-cv-05727;*)
 16 *Office Depot, Inc. v. Hitachi, Ltd., et al.*, No. 11-)
 17 *cv-06276;*)
 18 *Office Depot, Inc. v. Technicolor SA, et al.*, No.)
 19 *13-cv-05726;*)
 20 *CompuCom Systems, Inc. v. Hitachi, Ltd., et al.*,)
 21 *No. 11-cv-06396;*)
 22 *Costco Wholesale Corp. v. Hitachi, Ltd., et al.*,)
 23 *No. 11-cv-06397;*)
 24 *Costco Wholesale Corp. v. Technicolor SA, et*)
 25 *al.*, No. 13-cv-05723;)
 26 *P.C. Richard & Son Long Island Corp., et al. v.*)
 27 *Hitachi, Ltd., et al.*, No. 12-cv-02648;)
 28 *P.C. Richard & Son Long Island Corp., et al. v.*)
Technicolor SA, et al., No. 13-cv-05725;)
Schultze Agency Servs., LLC v. Hitachi, Ltd., et)
al., No. 12-cv-02649;)
Schultze Agency Servs., LLC v. Technicolor SA,)
et al., No. 13-cv-05668;)
Tech Data Corp., et al. v. Hitachi, Ltd., et al.,)
No. 13-cv-00157)
Viewsonic Corp. v. Chunghwa Picture Tubes,)
Ltd., et al., No. 14-cv-02510)
 _____)

1 I, David E. Yolkut, hereby declare as follows:

2 1. I am an attorney with Weil, Gotshal & Manges LLP, counsel for Defendants Panasonic
3 Corporation, Panasonic Corporation of North America, and MT Picture Display Co., Ltd.
4 (collectively, the “Panasonic Defendants”) in these actions. I am a member of the bar of the State of
5 New York and I am admitted to practice before this Court *pro hac vice*.
6

7 2. I submit this Declaration in Support of the Panasonic Defendants’ Administrative Motion to
8 File Under Seal Defendants’ Notice of Motion and Motion for Partial Summary Judgment Against
9 Indirect Purchaser Plaintiffs and Certain Direct Action Plaintiffs for Lack of Antitrust Injury and
10 Antitrust Standing Under Federal and Certain State Laws (“Defendants’ Antitrust Standing
11 Motion”). I have personal knowledge of the facts stated herein and, if called as a witness, I could
12 and would competently testify thereto.
13

14 3. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter (No. 07-
15 cv-05944, Dkt. No. 306, amended at Dkt. No. 1142) (the “Protective Order”).

16 4. Pursuant to the Protective Order and Local Civil Rules 7-11 and 79-5(d), the Panasonic
17 Defendants seek to seal the following concurrently-filed documents: (a) the highlighted portions of
18 Defendants’ Antitrust Standing Motion; and (b) Exhibits 5, 6, 7, 8, 15, 16, 19, 20, 22, 23, 25, 26, 27,
19 28, 29, 30, and 32 to the concurrently-filed Declaration of David L. Yohai In Support of Defendants’
20 Antitrust Standing Motion (the “Yohai Declaration”).
21

22 5. Exhibit 5 to the Yohai Declaration is the April 15, 2014 Expert Report of Indirect Purchaser
23 Plaintiffs’ (“IPPs”) Expert Janet S. Netz, which the IPPs have designated as “Confidential” in its
24 entirety under the terms of the Protective Order. The highlighted portions of pages 6, 8, and 20 of
25 Defendants’ Antitrust Standing Motion reference confidential information contained in Exhibit 5.

26 6. Exhibit 6 to the Yohai Declaration is excerpts from the transcript of the July 17, 2014
27 deposition of Kenneth Elzinga, joint expert witness of certain direct action plaintiffs (“DAPs”).
28

1 Electrograph Systems, Inc. and Electrograph Technologies Corporation (“Electrograph”); Alfred H.
 2 Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust (“Circuit City”); Best Buy
 3 Company, Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores,
 4 L.P., Bestbuy.com, LLC, and Magnolia Hi-Fi, LLC (“Best Buy”); Target Corporation (“Target
 5 Corp.”); Interbond Corporation of America (d/b/a BransMart USA) (“Interbond/BrandsMart”);
 6 Office Depot, Inc. (“Office Depot”); CompuCom Systems, Inc. (“CompuCom”); Costco Wholesale
 7 Corporation (“Costco”); P.C. Richard & Son Long Island Corporation (“P.C. Richard”); MARTA
 8 Cooperative of America, Inc. (“MARTA”); ABC Appliance, Inc. (d/b/a/ ABC Warehouse) (“ABC
 9 Warehouse”); Schultze Agency Services, LLC (“Tweeter”); Tech Data Corporation and Tech Data
 10 Product Management, Inc. (“Tech Data”); Dell Inc. and Dell Products L.P. (“Dell”); Sears, Roebuck
 11 and Company (“Sears”); Kmart Corporation (“Kmart”); and ViewSonic Corporation (“ViewSonic”),
 12 which those Plaintiffs have designated as “Highly Confidential” in its entirety under the terms of the
 13 Protective Order. The highlighted portions of pages 5, 8 and 20 of Defendants’ Antitrust Standing
 14 Motion reference confidential information contained in Exhibit 6.

17 7. Exhibit 7 to the Yohai Declaration is the April 15, 2014 Expert Report of DAPs’ Joint Expert
 18 Kenneth Elzinga, which the DAPs have designated as “Highly Confidential” in its entirety under the
 19 terms of the Protective Order.

21 8. Exhibit 8 to the Yohai Declaration is excerpts from the April 15, 2014 Expert Report of DAP
 22 CompuCom’s Expert Alan Frankel, which CompuCom has designated as “Highly Confidential” in
 23 its entirety under the terms of the Protective Order.

24 9. Exhibit 15 to the Yohai Declaration is excerpts from the transcript of the June 12, 2014
 25 deposition of Frank Lincks, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Electrograph, which
 26 Electrograph has designated as “Highly Confidential” in its entirety under the terms of the Protective
 27 Order.

1 10. Exhibit 16 to the Yohai Declaration is excerpts from the transcript of the June 19, 2014
 2 deposition of Wendy Linsky, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Tech Data, which Tech
 3 Data has designated as “Confidential” in its entirety under the terms of the Protective Order. The
 4 highlighted portions of page 7 of Defendants’ Antitrust Standing Motion reference confidential
 5 information contained in Exhibit 16.
 6

7 11. Exhibit 19 to the Yohai Declaration is excerpts from the transcript of the May 1, 2014
 8 deposition of Nikhil Nayar, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Target Corp. (“Target”),
 9 which Target has designated as “Highly Confidential” in its entirety under the terms of the
 10 Protective Order. The highlighted portions of pages 6 and 16 of Defendants’ Antitrust Standing
 11 Motion reference confidential information contained in Exhibit 19.
 12

13 12. Exhibit 20 to the Yohai Declaration is excerpts from the transcript of the June 27, 2014
 14 deposition of Janet Netz, the IPPs’ expert witness, which the IPPs have designated as “Highly
 15 Confidential” in its entirety under the terms of the Protective Order. The highlighted portions of
 16 pages 8 and 20 of Defendants’ Antitrust Standing Motion reference confidential information
 17 contained in Exhibit 20.
 18

19 13. Exhibit 22 to the Yohai Declaration is excerpts from the transcript of the November 12, 2013
 20 deposition of Thomas Pohmer, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff P.C. Richard, which
 21 P.C. Richard has designated as “Confidential” in its entirety under the terms of the Protective Order.
 22

23 14. Exhibit 23 to the Yohai Declaration is excerpts from the transcript of the April 24, 2014
 24 deposition of Chris Re, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Tweeter, which Tweeter has
 25 designated as “Confidential” in its entirety under the terms of the Protective Order.
 26

27 15. Exhibit 25 to the Yohai Declaration is excerpts from the transcript of the July 11, 2014
 28 deposition of James A. Smith, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Sears, which Sears has
 designated as “Highly Confidential” in its entirety under the terms of the Protective Order.

1 16. Exhibit 26 to the Yohai Declaration is excerpts from the transcript of the July 18, 2014
2 deposition of James A. Smith, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Kmart, which Kmart has
3 designated as “Highly Confidential” in its entirety under the terms of the Protective Order.

4 17. Exhibit 27 to the Yohai Declaration is excerpts from the transcript of the March 27, 2014
5 deposition of Constantin Tanas, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff ABC Warehouse,
6 which ABC Warehouse has designated as “Confidential” in its entirety under the terms of the
7 Protective Order. The highlighted portions of page 16 of Defendants’ Antitrust Standing Motion
8 reference confidential information contained in Exhibit 27.
9

10 18. Exhibit 28 to the Yohai Declaration is excerpts from the transcript of the February 14, 2014
11 deposition of Robert Thompson, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff MARTA, which
12 MARTA has designated as “Confidential” in its entirety under the terms of the Protective Order.
13

14 19. Exhibit 29 to the Yohai Declaration is excerpts from the transcript of the July 24, 2014
15 deposition of Randall Wick, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Office Depot, which Office
16 Depot has designated as “Highly Confidential” in its entirety under the terms of the Protective Order.

17 20. Exhibit 30 to the Yohai Declaration is excerpts from the transcript of the June 24, 2014
18 deposition of Todd Williams, employee of Plaintiff Target, which Target has designated as “Highly
19 Confidential” in its entirety under the terms of the Protective Order. The highlighted portions of
20 pages 7 of Defendants’ Antitrust Standing Motion reference confidential information contained in
21 Exhibit 30.
22

23 21. Exhibit 32 to the Yohai Declaration is excerpts from the transcript of the October 10, 2014
24 deposition of Bonny Cheng, Fed. R. Civ. P. 30(b)(6) witness for Plaintiff ViewSonic, which
25 ViewSonic has designated as “Highly Confidential” in its entirety under the terms of the Protective
26 Order.
27
28

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on November 7, 2014 at New York, New York.

3 By: 
4 DAVID E. YOLKUT